

# FIFTY-FIRST DAY

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MONDAY, APRIL 14, 1997

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## PROCEEDINGS

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by President Pro Tempore Zaffirini.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Nixon.

The President Pro Tempore announced that a quorum of the Senate was present.

The Reverend Dr. Jay Horton, Senior Pastor, First United Methodist Church, Pasadena, offered the invocation as follows:

O God, I personally give You thanks for allowing me to offer prayer in this hall of great men and women, who represent all people of our beloved State of Texas. To witness the magnificence of this Senate Chamber is a moment I will always cherish. Gracious God, send Your wisdom upon the Members of this body. They have many responsibilities and must engage in making crucial decisions that will touch the lives of men, women, and children. Help them to give the best of themselves so that all people who come to this place will have a stronger faith in a government of the people, by the people, and for the people. May the Senators speak and act in such a way that it might inspire our lives to be one of goodness, honesty, and integrity, thus seeking and acting in goodwill to all who are here today and beyond its walls. At every desk give the whisper of Your counsel. Let them hear the voice of the ages echo throughout the walls of this Chamber, that we will realize that there is no problem that cannot be solved by Your power and our faith. So help them, O God, that they may start right, do right, and end right. In the name of our great God we pray. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 11, 1997, was dispensed with and the Journal was approved.

## LEAVE OF ABSENCE

On motion of Senator Shapiro, Senator Nixon was granted leave of absence for today on account of important business.

**CO-AUTHOR OF SENATE BILL 79**

On motion of Senator Ellis and by unanimous consent, Senator Barrientos will be shown as Co-author of **SB 79**.

**CO-AUTHOR OF SENATE BILL 913**

On motion of Senator Sibley and by unanimous consent, Senator West will be shown as Co-author of **SB 913**.

**CO-AUTHORS OF SENATE BILL 1060**

On motion of Senator Patterson and by unanimous consent, Senators Duncan, Truan, and West will be shown as Co-authors of **SB 1060**.

**CO-AUTHOR OF SENATE BILL 1480**

On motion of Senator Bivins and by unanimous consent, Senator Nelson will be shown as Co-author of **SB 1480**.

**CO-AUTHOR OF SENATE BILL 1557**

On motion of Senator Sibley and by unanimous consent, Senator Nelson will be shown as Co-author of **SB 1557**.

**CO-AUTHOR OF SENATE BILL 1877**

On motion of Senator Wentworth and by unanimous consent, Senator Ellis will be shown as Co-author of **SB 1877**.

**INTRODUCTION OF  
BILLS AND RESOLUTIONS POSTPONED**

Senator Truan was recognized and announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER  
Austin, Texas  
Monday, April 14, 1997

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

**THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**

**HB 63**, Relating to student debit card programs operated by public institutions of higher education.

**HB 160**, Relating to the establishment of an advisory committee to the Texas Workforce Commission on apprenticeship and job-training issues.

**HB 192,** Relating to the criminal offense of trespass on agricultural lands.

**HB 197,** Relating to a late application by certain charitable and religious organizations for an exemption from ad valorem taxation.

**HB 255,** Relating to permitting certain law enforcement authorities and probation officers to receive reduced airline fares while engaged in certain official duties.

**HB 320,** Relating to the ability of municipalities to provide water or wastewater service to a residence to preserve the quality of an aquifer the municipality uses as a water source.

**HB 324,** Relating to the days and hours during which early voting by personal appearance is conducted in certain municipalities.

**HB 376,** Relating to the authority of the Bexar Metropolitan Water District to issue bonds and to enter into certain agreements.

**HB 404,** Relating to the abolition of the office of inspector of hides and animals of Ector County.

**HB 446,** Relating to the establishment of trusts for certain recipients of medical assistance.

**HB 460,** Relating to federal waivers or authorizations relating to certain federally funded long-term care Medicaid programs.

**HB 492,** Relating to activities covered by the Texas Food, Drug, and Cosmetic Act.

**HB 606,** Relating to access to nursing facilities in rural counties.

**HB 663,** Relating to the assessment of needs of individuals served by long-term care services programs offered by health and human services agencies.

**HB 699,** Relating to the requirements for licensing as a professional counselor.

**HB 707,** Relating to payroll deductions for insurance premiums paid by certain county employees.

**HB 708,** Relating to certain county and public health district fees.

**HB 710,** Relating to the implementation of federal reforms and the Texas Health Insurance Risk Pool.

**HB 722,** Relating to the expansion of the areas where proceeds of the branch campus maintenance tax may be used.

**HB 784,** Relating to the hearing of oral argument by appellate courts.

**HB 787,** Relating to fees collected by a court of appeals.

**HB 808,** Relating to the creation of a temporary charitable auction permit; providing a penalty.

**HB 870,** Relating to the authority of certain federal agents to enforce state law relating to public intoxication and driving while intoxicated.

**HB 885**, Relating to required planning for the permanent placement of certain children not residing with their families.

**HB 956**, Relating to the definition of medical waste.

**HB 991**, Relating to dogs causing serious bodily injury to a person; providing penalties.

**HB 1049**, Relating to notification of a judgment against a Mexican resident arising from a vehicle accident.

**HB 1085**, Relating to an automated system for providing reimbursements to nursing facilities under the state Medicaid program.

**HB 1107**, Relating to the continuation and functions of the State Preservation Board.

**HB 1133**, Relating to certain reporting requirements for the Texas Natural Resource Conservation Commission.

**HB 1208**, Relating to electronically processing travel expense reimbursement vouchers for state officers and employees.

**HB 1233**, Relating to the offense of furnishing alcohol to a minor.

**HB 1239**, Relating to the voluntary cleanup program.

**HB 1242**, Relating to participation in, benefits under, and administration of retirement systems for police officers in certain municipalities.

**HB 1257**, Relating to certain early voting procedures; providing a criminal penalty.

**HB 1277**, Relating to the regulation of certain open-end credit agreements.

**HB 1279**, Relating to the delegation of responsibility by a municipality for the approval of certain plats.

**HB 1280**, Relating to delegating to municipal employees the authority to determine compliance with certain plat requirements.

**HB 1299**, Relating to the designation of Spur 408 in Dallas County as Patriot Parkway.

**HB 1316**, Relating to the investment of assets by the guardian of an estate.

**HB 1362**, Relating to exemptions from regulation as a food manufacturer or wholesaler.

**HB 1423**, Relating to the powers and duties of certain constables to enforce environmental laws affecting the Rio Grande.

**HB 1460**, Relating to the name of a public junior or community college.

**HB 1474**, Relating to the disbursement of county funds to certain debtors.

**HB 1475**, Relating to the appointment of a person to act in the place of a county treasurer.

**HB 1484**, Relating to the creation, administration, powers, duties, operation, and financing of the Gober Municipal Utility District.

**HB 1511**, Relating to the administration and allocation of Medicaid and other funds used to pay for graduate medical education.

**HB 1526**, Relating to information and assistance concerning reinvestment zones.

**HB 1531**, Relating to the issuance of bonds under the Higher Education Authority Act.

**HB 1545**, Relating to pleas entered by a minor and the issuance of a summons to compel the appearance of the minor's parent in justice or municipal court.

**HB 1577**, Relating to peer assistance programs for licensed veterinarians.

**HB 1688**, Relating to the jurisdiction and administration of the Guadalupe County Court at Law.

**HB 1703**, Relating to altering the form of a business entity that is the holder of an alcoholic beverage permit or license.

**HB 1710**, Relating to the appointment of bailiffs for the district courts in Tarrant County that give preference to criminal cases.

**HB 1719**, Relating to the regulation of psychologists and the powers and duties of the Texas State Board of Examiners of Psychologists.

**HB 1741**, Relating to the reconciliation of county checks and warrants.

**HB 1878**, Relating to the Castro County and Ochiltree County hospital districts.

**HB 1899**, Relating to public participation in alcoholic beverage licensing or permitting hearings.

**HB 1908**, Relating to the placement of signage on certain public roads.

**HB 2066**, Relating to the powers of the Hopkins County Hospital District.

**HB 2075**, Relating to the authority of the Texas Youth Commission to access criminal history record information relating to certain persons and business entities.

**HB 2083**, Relating to county auditors who serve more than one county.

**HB 2115**, Relating to the designation of certain highways as the future route of La Entrada al Pacifico Corridor.

**HB 2123**, Relating to the prevention and detection of fraud in certain programs administered by the Texas Department of Human Services.

**HB 2126**, Relating to requiring the Department of Human Services to evaluate and improve its programs.

**HB 2201**, Relating to the payment of property taxes pending appeal and to attorney's fees and penalties in a property tax appeal.

**HB 2214**, Relating to fees for correspondence courses for certain veterans and the children of certain veterans.

**HB 2259**, Relating to the establishment and administration of a retirement fund for police officers in certain municipalities.

**HB 2274**, Relating to the exemption of insurance benefits and certain annuity proceeds from seizure under process.

**HB 2277**, Relating to the Fisher County Hospital District.

**HB 2311**, Relating to the reporting of health conditions in the workplace.

**HB 2373**, Relating to notice of changes to the capital stock of an insurance company.

**HB 2394**, Relating to course fees charged for certain courses at public institutions of higher education.

**HB 2602**, Relating to the enforcement of certain liens.

**HB 2851**, Relating to the powers and duties of water supply corporations.

**HB 2918**, Relating to the extension of a period of supervision under community supervision for a defendant charged with or convicted of certain sexual or sexually assaultive offenses, to the publication of notice under the sex offender registration program, and to the classification of inmates in the custody of the Texas Department of Criminal Justice on the basis of need for treatment.

**HB 3134**, Relating to contributions to retirement systems for firefighters in certain municipalities.

**HB 3137**, Relating to adding new provisions to the Texas Workers' Compensation Act regarding judicial review, court judgments and settlements, and the Texas Workers' Compensation Commission's right to notice and opportunity to intervene prior to issuance of a judgment or settlement.

**HB 3202**, Relating to rate administration of workers' compensation insurance policies.

**HB 3266**, Relating to the Midland County Hospital District.

**HB 3315**, Relating to equalization of facilities and funding for mental health treatment and services.

**HB 3456**, Relating to the Hansford County Hospital District.

**HB 3457**, Relating to the Hutchinson County Hospital District.

**HB 3504**, Relating to the jurisdiction of the county courts at law in Smith County.

**HCR 79**, Expressing support for the Community Transportation Brokerage Pilot Programs.

**HCR 109**, Memorializing Congress to direct the Federal Emergency Management Agency to update federally designated flood zone maps every 10 years.

**HCR 138**, Commemorating Lexi Shay Satterwhite's first birthday.

**SB 150**, Relating to providing common undergraduate admission application forms for certain institutions of higher education.

**SB 182**, Relating to costs on conviction to fund courthouse and municipal court building security.

**SB 221**, Relating to the suspension or revocation of a real estate license for failure to include a termination date in certain real estate contracts.

**SB 326**, Relating to vessels and obstructions in fish passes.

**SB 348**, Relating to costs in certain family law cases.

**SB 401**, Relating to the duties of the district attorney for the 156th Judicial District.

**SB 444**, Relating to administration of vital statistics records.

**SB 476**, Relating to certain criminal background information obtained by the Texas Commission on Alcohol and Drug Abuse.

**SB 726**, Relating to court administration in El Paso County, to the creation of the County Courts at Law No. 6 and No. 7 of El Paso County, Texas, and to the assignment of certain judges in El Paso County.

**SB 977**, Relating to the maximum extended length of certain loads carried on trailers.

(Amended)

**SCR 25**, Encouraging the Texas Department of Transportation to apply technological advancements to our state's transportation infrastructure.

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

#### MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
April 11, 1997

TO THE SENATE OF THE SEVENTY-FIFTH LEGISLATURE,  
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE TEXAS WOMAN'S UNIVERSITY BOARD OF  
REGENTS for a term to expire February 1, 2003:

DOUGLAS BERT MYERS  
3629 Seltzer  
Plano, Texas 75023

Mr. Meyers will be replacing Jayne Lipe of Fort Worth whose term expired.

Respectfully submitted,  
/s/George W. Bush  
Governor of Texas

#### **GUESTS PRESENTED**

Senator Ogden was recognized and introduced to the Senate a group of seventh-grade students and their teachers from Saint Michael's Academy of Bryan.

The Senate welcomed its guests.

#### **GUEST PRESENTED**

The President Pro Tempore introduced to the Senate former Senator and Chair of the Senate Committee on Finance, J. Grant Jones.

The Senate welcomed Senator Jones.

#### **SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

President Pro Tempore Zaffirini announced the time had arrived to consider the executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given Friday, April 11, 1997, by Senator Madla.

Senator Madla moved confirmation of the nominees reported Friday by the Committee on Nominations.

The President Pro Tempore asked if there were requests to sever nominees.

There were no requests offered.

#### **NOMINEES CONFIRMED**

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Nixon.

Consideration Pending: Members, Texas Commission for the Blind: JAMES LAURENCE CALDWELL, Ph.D., Travis County; C. ROBERT KEENEY, Jr., Harris County; WILLIAM FRANK MULLICAN, Jr., Lubbock County; DON W. OATES, Nacogdoches County; BEVERLEY A. STILES, Duval County; JOHN M. TURNER, Dallas County.

Executive Director of the Texas Department of Commerce: BRENDA F. ARNETT, Travis County.

Members, Texas Youth Commission: PEDRO C. "PETE" ALFARO, Harris County; LISA SAEMANN TESCHNER, Dallas County.



Members, Agriculture Resources Protection Authority: CRAIG ESTES, Wichita County; L. C. HARRISON, Clay County; DAVID K. LANGFORD, Bexar County; DAVID MICHAEL NIX, Dawson County; ALFONSO POSADAS, Bailey County; JULIAN H. TREVINO, Ed.D., Bexar County.

Members, Automobile Theft Prevention Authority: PATRICIA T. AYALA, El Paso County; JAMES PHILIP DONOVAN, Harris County; DEPUTY CHIEF W. TROY McCLAIN, Denton County; CHIEF JAMES J. SCHEOPNER, Cameron County; MARCARIO "MAC" TRISTAN, Jr., Denton County; PATRICIA JUNG WILLIAMS, Parker County; CHARLES WIRTH, Travis County.

Members, Interagency Council on Early Childhood Intervention Services: CLAUDETTE WILKINSON BRYANT, Dallas County; FLOY ELIZABETH "BESS" ALTHAUS GRAHAM, Travis County; TAMMY H. TINER, Ph.D., Brazos County.

Members, Texas Cosmetology Commission: COMER J. COTTRELL, Jr., Dallas County; BRIAN P. KING, Harris County.

Members, Motor Vehicle Board of the Texas Department of Transportation: ROBERT C. BARNES, Ector County; D. DIANE DILLARD, Harris County; NORMAN SCOTT JONES, Johnson County; MANUEL MARRUFO, El Paso County.

Members, Texas Turnpike Authority Board of Directors: DONALD D. DILLARD, Dallas County; DONNA R. PARKER, Tarrant County.

Members, Texas Department of Commerce Policy Board: PATTY A. BRYANT, Randall County; VIDAL G. MARTINEZ, Harris County.

Member, State Depository Board: RENATO RAMIREZ, Zapata County.

Members, Texas Energy Coordination Council: MARY HARTMAN, Bexar County; JAMES R. MATZ, Cameron County; DONALD W. NIEMIEC, Tarrant County; MICHAEL JAMES OSBORNE, Travis County; MICHAEL ANDERSON ROBERTS, Jr., Harris County; ROBERT L. WRIGHT, Victoria County.

Member, International Trade Commission Governing Board: JOSE E. MARTINEZ, Bexar County.

Members, San Jacinto Historical Advisory Board: JEFFREY D. DUNN, Harris County; NELL MARTIN HOOVER, Harris County.

#### **SENATE CONCURRENT RESOLUTION 68**

Senator Whitmire offered the following resolution:

WHEREAS, SB 388 has passed the Texas Senate and the Texas House of Representatives and is now in the office of the governor; and

WHEREAS, Further consideration of the bill by the senate and the house of representatives is necessary; now, therefore, be it

RESOLVED by the 75th Legislature, That the governor be hereby requested to return **SB 388** to the house of representatives for further consideration; and, be it further

RESOLVED, That the action of the President of the Senate and the Speaker of the House in signing **SB 388** be declared null and void and that the two presiding officers be authorized to remove their signatures from the enrolled bill.

The resolution was read.

On motion of Senator Whitmire and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

#### VOTE RECONSIDERED

On motion of Senator Madla and by unanimous consent, the vote by which the nominees were confirmed today was reconsidered.

Question—Shall the nominees reported Friday, April 11, 1997, be confirmed?

Senator Madla again moved confirmation of the nominees reported Friday by the Committee on Nominations.

President Pro-Tempore Zaffirini asked if there were requests to sever nominees.

Senator Haywood requested that the following nominee be severed:

Brian P. King, Harris County, to be a Member of the Texas Cosmetology Commission.

The request was granted.

#### NOMINEES CONFIRMED

The following nominees, not severed and reported Friday by the Committee on Nominations, were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Nixon.

Consideration Pending: Members, Texas Commission for the Blind: JAMES LAURENCE CALDWELL, Ph.D., Travis County; C. ROBERT KEENEY, Jr., Harris County; WILLIAM FRANK MULLICAN, Jr., Lubbock County; DON W. OATES, Nacogdoches County; BEVERLEY A. STILES, Duval County; JOHN M. TURNER, Dallas County.

Executive Director of the Texas Department of Commerce: BRENDA F. ARNETT, Travis County.

Members, Texas Youth Commission: PEDRO C. "PETE" ALFARO, Harris County; LISA SAEMANN TESCHNER, Dallas County.

Members, Agriculture Resources Protection Authority: CRAIG ESTES, Wichita County; L. C. HARRISON, Clay County; DAVID K. LANGFORD,

Bexar County; DAVID MICHAEL NIX, Dawson County; ALFONSO POSADAS, Bailey County; JULIAN H. TREVINO, Ed.D., Bexar County.

Members, Automobile Theft Prevention Authority: PATRICIA T. AYALA, El Paso County; JAMES PHILIP DONOVAN, Harris County; DEPUTY CHIEF W. TROY McCLAIN, Denton County; CHIEF JAMES J. SCHEOPNER, Cameron County; MARCARIO "MAC" TRISTAN, Jr., Denton County; PATRICIA JUNG WILLIAMS, Parker County; CHARLES WIRTH, Travis County.

Members, Interagency Council on Early Childhood Intervention Services: CLAUDETTE WILKINSON BRYANT, Dallas County; FLOY ELIZABETH "BESS" ALTHAUS GRAHAM, Travis County; TAMMY H. TINER, Ph.D., Brazos County.

Member, Texas Cosmetology Commission: COMER J. COTTRELL, Jr., Dallas County.

Members, Motor Vehicle Board of the Texas Department of Transportation: ROBERT C. BARNES, Ector County; D. DIANE DILLARD, Harris County; NORMAN SCOTT JONES, Johnson County; MANUEL MARRUFO, El Paso County.

Members, Texas Turnpike Authority Board of Directors: DONALD D. DILLARD, Dallas County; DONNA R. PARKER, Tarrant County.

Members, Texas Department of Commerce Policy Board: PATTY A. BRYANT, Randall County; VIDAL G. MARTINEZ, Harris County.

Member, State Depository Board: RENATO RAMIREZ, Zapata County.

Members, Texas Energy Coordination Council: MARY HARTMAN, Bexar County; JAMES R. MATZ, Cameron County; DONALD W. NIEMIEC, Tarrant County; MICHAEL JAMES OSBORNE, Travis County; MICHAEL ANDERSON ROBERTS, Jr., Harris County; ROBERT L. WRIGHT, Victoria County.

Member, International Trade Commission Governing Board: JOSE E. MARTINEZ, Bexar County.

Members, San Jacinto Historical Advisory Board: JEFFREY D. DUNN, Harris County; NELL MARTIN HOOVER, Harris County.

#### CONSIDERATION POSTPONED

On motion of Senator Armbrister and by unanimous consent, further consideration of the following nominee was postponed until a time certain of 11:45 a.m. today:

To be a Member of the TEXAS COSMETOLOGY COMMISSION: Brian P. King, Harris County.

Question—Shall the nominee be confirmed?

#### CAPITOL PHYSICIAN

The "Doctor for the Day," Dr. Alan Blum of Houston, was introduced to the Senate by Senator Ellis.

The Senate expressed appreciation and gratitude to Dr. Blum for participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

#### SENATE BILL 1277 RECOMMITTED

On motion of Senator Lucio and by unanimous consent, **SB 1277** was recommitted to the Committee on Intergovernmental Relations.

#### PERSONAL PRIVILEGE STATEMENT

On motion of Senator Truan and by unanimous consent, the following personal privilege statement and remarks were ordered reduced to writing and printed in the *Senate Journal*:

**Senator Barrientos:** Madam President, Members, ladies and gentlemen, I have rarely stood here before this Senate on a matter of personal privilege. I choose to do so today, very briefly, to bring an item of interest to you and to your constituencies. Saturday night there was a great, great fight on pay-per-view television between two great athletes, De La Hoya and Whitaker. With much hoopla, as those world championship fights take up, at the beginning of the fight, prior to the posting of our colors, a ten-piece mariachi group went into the ring. The announcer, one Larry Merchant, was commenting on the event and stated that he supposed that there was to be homage paid to the ancestry of De La Hoya. The mariachi started to play, Merchant continued his commentary, saying that while the homage was okay, that under these circumstances we should understand that both fighters were Americans and were born in the United States of America. Then he said, with respect to those great fighters who come from Mexico, "This sucks." In one fell swoop he insulted at least 20 million Americans and no telling who else. The reason I bring this to your attention is that, my colleagues, we seem to be regressing in our country. When that can happen in a worldwide television hookup; when some commentator in New York tapes bullet sounds and makes fun of a great heroine, Selena, who was a great role model to young women, and specifically young Hispanic women; when a local radio talk show host asks his colleague on the talk show why Mexican children have tamales for Christmas, then answers himself, so that they will have something to unwrap; one, at least me, must speak up. Regardless of what color we are talking about, regardless of a man or a woman, regardless of rich or poor, regardless of young or old, regardless of Democrat or Republican, we must speak up. Sometimes I wonder why I am the only one, perhaps not the only one, that speaks up on an issue like this. I try to speak up when white men are discriminated against, when white women are discriminated against, when black men and black women are discriminated against, when anybody is discriminated against; we shall speak out against bigotry, Members. It is in our public interest. It is called *respeto*. It is called respect. Larry Merchant and whoever you work for, get over it and learn what America is all about. Thank you, Madam President.

**Senator Lucio:** Senator Barrientos, I appreciate you bringing this to the attention of the people of Texas. I'm a big boxing fan and I saw that fight

and I heard what was said and I was quite disturbed. I think those of you that have worked with me for the last ten years know that I'm extremely patriotic and that I come from a home that teaches Americanism, period, not to label ourselves, but just to call us Americans. However, it also teaches us that we are proud of our heritage, the cultures that each and every one of us come from regardless of where we come from. I heard those remarks and I think it falls into the same category as when Jimmy the Greek made some stupid remarks, as well, that led to his dismissal. I think that those people responsible—and I use the word responsible because Larry Merchant was irresponsible in his choice of words—responsible for his action should take note and dismiss him as well. I think he was so upset that evening that at the end of the fight he also mentioned that Whitaker had won, and it's not Pernell Whitaker's fault. I think personally he lost. I think that De La Hoya did win. But, Merchant went on to say that on the record he felt that De La Hoya got beat. I don't think there's room at a national level, especially at the national level, or any level in our society as you mentioned, Senator, to have people who disregard, who are blinded, who have such an obsession, an inner feeling of disrespect, to show it, especially in our sports today because our sports and those involved in our sports serve as the role models for future generations. So, I join with you and I hope that those responsible for Mr. Merchant's actions will take note. I think he needs to go. I think he's been around too long. In listening to him that's one time during the fight I'd like to turn the television off. When he comes on to commentate he makes no semblance of order in his remarks and, quite frankly, is very biased, very, very biased and prejudiced. Thank you very much.

**Senator Ellis:** Thank you, Madam President, Senator Barrientos. Senator, I just want to commend you for being willing to stand up and speak. I think that when racial incidents like this come about, it is important that people in public life say something about it, particularly in a state as diverse as ours. Unlike some other parts of the country, Texas is a state where people from different backgrounds, of different colors, have to figure out how to get along, because it's important for economic development in our state and for us to move forward. It is interesting, as you and I were saying earlier, that a comment like that would be made at a time when a young man of my culture, an African American, is certainly breaking a number of glass ceilings, Tiger Woods. There are a number of people who have said things in jest, but I think that when instances like this come about, it is important that people stand up, be heard, and say something. I think Texas will be a better place because of the likes of a Gonzalo Barrientos explaining to us the significance of, how do you say it, *respeto*. Thank you, Senator.

**Senator West:** Thank you very much, Madam President. Senator Barrientos, I also join with my other colleagues in saying thank you for bringing up this particular point. You know, it's amazing that it's 1997 and we're still discussing race issues as opposed to how to move into the next millennium and make sure that all Texans and all Americans

have access to that American Dream. It's amazing that we have to discuss this particular issue during this particular week, given that 50 years ago Jackie Robinson broke into baseball and broke the color line. It's amazing that in 1997 we're still talking about race and racism in the United States. I would hope that one day, as Senator Lucio indicated, we can respect each and every one as Americans and, needless to say, make sure that we maintain our rich heritage and respect for the heritage of each American, but put America first. And that means not putting people in the back seat, but putting people on an even keel and making sure that they have access to opportunities so that they can achieve "societal goals." So, with my other colleagues, I commend you for bringing up this particular point.

**Senator Barrientos:** Thank you, sir. Members, fellow Texans, fellow Americans, do not let those bigots tear us apart. America is about unity. Thank you.

**Senator Sibley:** Senator Barrientos, I think you put your finger on it when you said respect. I think, perhaps, in the late 1980s, many of us were assailed by political correctness. I think at that time there were some silly excesses of that particular thing. But when you talk about this, this is respect for a human being and for an entire culture, and I join with you in stating that I stand with you in that regard. We're not asking somebody to come over and buy CDs. All we're asking is, just respect another culture, another person's belief. I believe that's what the individual violated and so I, for one, will stand with you on this. I respect you for bringing it to our attention. Thank you.

**Senator Moncrief:** Senator Barrientos, the issue you bring to us this morning is something that should touch every one of us. I'm very proud of my heritage, my Anglo heritage. I'm proud of what has brought me to this floor, the opportunities that I've had, my family, what I've been able to give back as a result of being here. And while these two fighters climb in a ring to do battle, that's why they're present, we too are in an arena, Members. That arena is right here on this floor to make sure that things like this don't happen and when they do, that we sound off loud and clear. Senator, I join you in your remarks this morning as a fellow Member of this body, as a fellow Texan, and as a fellow American. I think you're on point.

**Senator Luna:** Thank you, Gonzalo. I didn't see the fight, but I am glad that you have shown again the leadership in defending our heritage. The tragic thing is that Oscar De La Hoya is a great role model. It is unusual that somebody would be so clean, especially in that profession. He recognizes himself as a role model and acts as a role model and is a role model for many of our youth. This is a week that we should also mention another great role model for you young people, that's Tiger Woods. These are great Americans that show that the diversity of our culture is what makes us so great. Thank you, Gonzalo, for bringing this up.

**Senator Ogden:** Senator Barrientos, there is a Pulitzer Prize-winning novel called *The Killer Angels* that was written by Michael Shaara. In that

novel Joshua Lawrence Chamberlain, who won the Congressional Medal of Honor at Gettysburg, was giving a speech to his men explaining why—his men from Maine, who wanted to desert—why we were fighting the war, from the Union perspective. Your comments reminded me of what these most inspirational words that have been written in this novel said, and I'd like to at least paraphrase them. He said, men, in America, this is free ground, all the way from here to the Pacific Ocean. Here, no one has to bow, no one is born to royalty. Here, we judge you by who you are, not by who your father was. This is where you can build a home. It's not the dirt we're fighting for. I've never seen ground that was worth dying for. What we're really fighting for in the end is each other.

Those words inspire me and I will work with you to not regress in this state, to judge people by who they are and not by who their father was. Thank you.

**Senator Barrientos:** Madam President, Members, I shan't take any more time. Suffice it to say that we're here together and we can provide good examples for our children from all over the country. Thank you. My colleagues, I think these brief few minutes have been well spent. Thank you, Madam President.

#### **NOMINEE RECOMMITTED**

The President Pro Tempore laid before the Senate the following nomination. The nominee had been severed and further consideration postponed to a time certain of 11:45 a.m. today.

To be a Member of the TEXAS COSMETOLOGY COMMISSION:  
Brian P. King, Harris County.

Question—Shall the nominee be confirmed?

On motion of Senator Madla and by unanimous consent, the nominee was recommitted to the Committee on Nominations.

#### **SENATE BILL 203 WITH HOUSE AMENDMENT**

Senator Shapiro called **SB 203** from the President's table for consideration of the House amendment to the bill.

The President Pro Tempore laid the bill and the House amendment before the Senate.

#### **Amendment**

Amend **SB 203** by substituting in lieu thereof the following:

#### **A BILL TO BE ENTITLED AN ACT**

relating to the provision of health care to an inmate confined in a facility operated by or under contract with the Texas Department of Criminal Justice.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**  
**SECTION 1.** Subchapter B, Chapter 501, Government Code, is amended

by adding Section 501.061 to read as follows:

Sec. 501.061. INMATE COPAYMENTS FOR CERTAIN HEALTH CARE VISITS. (a) An inmate confined in a facility operated by or under contract with the department, other than a halfway house, who initiates a visit to a health care provider shall make a copayment to the department in the amount of \$3. The inmate shall make the copayment out of the inmate's trust fund. If the balance in the fund is insufficient to cover the copayment, 50 percent of each deposit to the fund shall be applied toward the balance owed until the total amount owed is paid.

(b) The department may not charge a copayment for health care:

(1) provided in response to a life-threatening or emergency situation affecting the inmate's health;

(2) initiated by the department;

(3) initiated by the health care provider or consisting of routine follow-up, prenatal, or chronic care; or

(4) provided under a contractual obligation that is established under the Interstate Corrections Compact or under an agreement with another state that precludes assessing a copayment.

(c) The department shall adopt policies to ensure that:

(1) before an inmate initiates a visit to a health care provider, the inmate is informed that a \$3 copayment will be deducted from the inmate's trust fund as required by Subsection (a); and

(2) an inmate against whom a copayment is charged may submit a grievance under Section 501.008 on the basis that Subsection (b) prohibits the imposition of the charge.

(d) The department may not deny an inmate access to health care as a result of the inmate's failure or inability to make a copayment.

(e) The department shall deposit money received under this section in an account in the general revenue fund that may be used only to pay the cost of administering this section. At the beginning of each fiscal year, the comptroller shall transfer any surplus from the preceding fiscal year to the state treasury to the credit of the general revenue fund.

SECTION 2. Section 501.014, Government Code, is amended by adding Subsection (g) to read as follows:

(g) The department shall allow the institutional division to withdraw money from an inmate's trust fund under Subsection (e) before the department applies a deposit to that fund toward any unpaid balance owed to the department by the inmate under Section 501.061.

SECTION 3. This Act takes effect January 1, 1998.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

Senator Shapiro moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.



The President Pro Tempore asked if there were any motions to instruct the conference committee on **SB 203** before appointment.

There were no motions offered.

The President Pro Tempore announced the appointment of the following conferees on the part of the Senate on the bill: Senators Shapiro, Chair; Ratliff, Sibley, Wentworth, and Zaffirini.

(President in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1557 ON SECOND READING**

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 1557**, Relating to certain contributions and tax abatement agreements of a school district for the support of reinvestment zones.

The bill was read second time and was passed to engrossment by a viva voce vote.

**RECORD OF VOTE**

Senator Wentworth asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1557 ON THIRD READING**

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1557** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Wentworth.

Absent: Barrientos, Cain.

Absent-excused: Nixon.

**CSSB 1557** was read third time and was passed by a viva voce vote.

**RECORD OF VOTES**

Senators Gallegos, Patterson, and Wentworth asked to be recorded as voting "Nay" on the final passage of the bill.

**GUEST PRESENTED**

Senator Luna was recognized and introduced to the Senate United States Representative **Ciro Rodriguez** of San Antonio.

The Senate welcomed Congressman Rodriguez.

**BILLS AND RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

**HCR 25, HCR 99, HCR 101, SB 616, SB 757, SCR 40, SCR 54**

(Senator Truan in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 746 ON SECOND READING**

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 746**, Relating to property tax increment financing and property tax abatements.

The bill was read second time.

Senator Sibley offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 746** in SECTION 7 of the bill, in Section 312.007, Tax Code, Subsection (b) (page 3, line 14) by striking "be economic development practitioners" and substituting "have economic development experience".

The amendment was read and was adopted by a viva voce vote.

**CSSB 746** as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 746 ON THIRD READING**

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 746** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Nixon.

**CSSB 746** was read third time and was passed by a viva voce vote.

**SENATE JOINT RESOLUTION 39 ON SECOND READING**

Senator Ellis moved to suspend the regular order of business to take up for consideration at this time:

**SJR 39**, Proposing a constitutional amendment allowing the Texas growth fund to continue to invest in businesses without requiring those businesses to disclose investments in South Africa or Namibia.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Nixon.

**SJR 39** was read second time and was passed to engrossment by a viva voce vote.

**SENATE JOINT RESOLUTION 39 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 39** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Nixon.

**SJR 39** was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**SENATE BILL 489 ON SECOND READING**

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 489**, Relating to the authority of sheriffs in certain counties to regulate certain activities involving explosives.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 489** as follows:

(1) Strike SECTION 1 of the bill (page 1, lines 11-14, committee report) and substitute the following:

SECTION 1. Section 236.001, Local Government Code, is amended to read as follows:

Sec. 236.001. APPLICABILITY. (a) ~~[This chapter applies only to a county with a population of two million or more.~~

~~[(b)]~~ This chapter does not apply to fire, police, or military personnel acting in the course of their professional duties.

~~(b) [(c)]~~ This chapter does not affect the authority of a municipality in the county to enact ordinances under other law concerning explosives.

SECTION 2. Section 236.003(a), Local Government Code, is amended to read as follows:

(a) Except as provided by Subsection (b), the commissioners court of a ~~the~~ county by order may authorize the sheriff of ~~the~~ **[a]** county to:

(1) propose rules to implement this chapter; and

(2) in accordance with the rules proposed by the sheriff and adopted by the commissioners court under this chapter:

(A) regulate the production, distribution, transport, transfer, use, and possession of an explosive in the county; and

(B) enforce standards concerning the manufacture, transportation, transfer, use, handling, and storage of explosives as necessary for the protection of the public health, welfare, or safety and of persons possessing, handling, and using explosives.

(2) Renumber existing SECTION 2 of the bill (page 1, line 15, committee report) as SECTION 3.

The amendment was read.

On motion of Senator Shapiro and by unanimous consent, Floor Amendment No. 1 was withdrawn.

**SB 489** was passed to engrossment by a viva voce vote.

**SENATE BILL 123 ON SECOND READING**

Senator Bivins moved to suspend the regular order of business to take up for consideration at this time:

**SB 123**, Relating to the treatment of repeat sex offenders.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Madla, Moncrief, Nelson, Ogden, Patterson, Ratliff, Shapiro, Sibley, Truan, Wentworth, Whitmire, Zaffirini.

Nays: Ellis, Shapleigh, West.

Absent: Luna.

Absent-excused: Nixon.

**SB 123** was read second time and was passed to engrossment by the following vote: Yeas 25, Nays 4.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Madla, Moncrief, Nelson, Ogden, Patterson, Ratliff, Shapiro, Sibley, Truan, Wentworth, Whitmire, Zaffirini.

Nays: Barrientos, Ellis, Shapleigh, West.

Absent: Luna.

Absent-excused: Nixon.

**SENATE BILL 123 ON THIRD READING**

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 123** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Madla, Moncrief, Nelson, Ogden, Patterson, Ratliff, Shapiro, Sibley, Truan, Wentworth, Whitmire, Zaffirini.

Nays: Barrientos, Ellis, Shapleigh, West.

Absent: Luna.

Absent-excused: Nixon.

**SB 123** was read third time and was passed by the following vote: Yeas 25, Nays 4. (Same as previous roll call)

(President in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 620 ON SECOND READING**

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 620**, Relating to durable powers of attorney.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 620 ON THIRD READING**

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 620** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Nixon.

**CSSB 620** was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 486 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 486**, Relating to the regulation of geologists, geophysicists, and soil scientists; providing an administrative and a criminal penalty.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 486 ON THIRD READING**

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 486** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Nixon.

**CSSB 486** was read third time and was passed by a viva voce vote.

**RECORD OF VOTE**

Senator Bivins asked to be recorded as voting "Nay" on the final passage of the bill.

**SENATE CONCURRENT RESOLUTION 51  
ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

**SCR 51**, Directing the Texas Department of Commerce to study and suggest adjustments to existing business assistance programs in order to increase technology-based investments in the state.

The resolution was read second time and was adopted by a viva voce vote.

(Senator Haywood in Chair)

**SENATE BILL 591 ON SECOND READING**

On motion of Senator Gallegos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 591**, Relating to courses and programs at the University of Houston-Downtown.

(President in Chair)

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 591 ON THIRD READING**

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 591** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Nixon.

**SB 591** was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**SENATE BILL 1243 ON SECOND READING**

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 1243**, Relating to the practice of perfusion.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 1243 ON THIRD READING**

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1243** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Nixon.

**SB 1243** was read third time and was passed by a viva voce vote.

**SENATE BILL 1755 ON SECOND READING**

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 1755**, Relating to investment training for board members and investment officers of state agencies.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 1755 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1755** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Nixon.

**SB 1755** was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE**

**SENATE BILL 1897 ON SECOND READING**

Senator Sibley moved to suspend the regular order of business to take up for consideration at this time:

**CSSB 1897**, Relating to insurance company loss or claim reserves.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Nixon.

**CSSB 1897** was read second time and was passed to engrossment by a viva voce vote.

(Senator Haywood in Chair)

**COMMITTEE SUBSTITUTE**

**SENATE BILL 1897 ON THIRD READING**

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1897** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Nixon.

**CSSB 1897** was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 947 ON SECOND READING**

On motion of Senator Patterson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 947**, Relating to the designation of a primary physical residence in an order of joint managing conservatorship.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 947** as follows:

In SECTION 1 of the bill, in amended Section 153.136, Family Code, strike added Subsection (b) (page 1, lines 19-24, committee printing), and substitute:

(b) Before the court designates a primary physical residence for the child, the court shall consider the best interest of the child, including:

(1) whether the physical, psychological, or emotional needs and development of the child will benefit from the appointment of joint managing conservators;

(2) the ability of the parents to give first priority to the welfare of the child and reach shared decisions in the child's best interest;

(3) whether each parent can encourage and accept a positive relationship between the child and the other parent;

(4) whether both parents participated in child rearing before the filing of the suit;

(5) the geographical proximity of the parents' residences;

(6) if the child is 12 years of age or older, the child's preference, if any, regarding the appointment of joint managing conservators;

(7) which parent is more likely to allow the child frequent and continuing contact with the other parent and to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent; and

(8) any other relevant factor.

The amendment was read and was adopted by a viva voce vote.

**CSSB 947** as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 947 ON THIRD READING**

Senator Patterson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 947** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Nixon.

**CSSB 947** was read third time and was passed by a viva voce vote.



**COMMITTEE SUBSTITUTE  
SENATE BILL 806 ON SECOND READING**

On motion of Senator Ogden and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 806**, Relating to the use of student fees and certain other funds to support intercollegiate athletics at a public institution of higher education.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 806** as follows:

In SECTION 1 of the bill, in proposed Section 54.009, Education Code (committee printing page 1, between lines 51 and 52), insert a new subsection to read as follows:

(g) A capitol improvement project that uses auxiliary funds at an institution of higher education to finance, in whole or in part, the project is exempt from the restrictions of this section, if the project was approved by the Texas Higher Education Coordinating Board before September 1, 1997.

The amendment was read and was adopted by a viva voce vote.

**CSSB 806** as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 806 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 806** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Nixon.

**CSSB 806** was read third time and was passed by a viva voce vote.

**(President in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 489 ON THIRD READING**

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 489** be placed on its third reading and final passage:

**CSSB 489**, Relating to the authority of sheriffs in certain counties to regulate certain activities involving explosives.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Nixon.

**CSSB 489** was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1248 ON SECOND READING**

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 1248**, Relating to intermediate care facilities for the mentally retarded; imposing civil and criminal penalties.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1248** as follows:

(1) In **SECTION 1**, adding Section 252.003, Chapter 252, Health and Safety Code (committee printing, page 1, line 64) strike "**and**".

(2) In **SECTION 1**, adding Section 252.003, Chapter 252, Health and Safety Code (committee printing, page 2, line 2) after "**agency**", strike ":", and substitute ":", **and**".

(3) In **SECTION 1**, adding Section 252.003, Chapter 252, Health and Safety Code (committee printing, page 2, between lines 2 and 3), insert the following:

"(4) is conducted by or for the adherents of a well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend exclusively on prayer or spiritual means for healing, without the use of any drug or material remedy, if the establishment complies with safety, sanitary, and quarantine laws and rules."

The amendment was read and was adopted by a viva voce vote.

**CSSB 1248** as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1248 ON THIRD READING**

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1248** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Nixon.

**CSSB 1248** was read third time and was passed by a viva voce vote.

**SENATE BILL 1828 ON SECOND READING**

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 1828**, Relating to enforcement of vehicle weight and safety restrictions.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 1828 ON THIRD READING**

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1828** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Nixon.

**SB 1828** was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

(Senator Ellis in Chair)

**SENATE BILL 336 ON SECOND READING**

Senator Gallegos asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**SB 336**, Relating to the right of fire fighters to meet and confer.

There was objection.

Senator Gallegos then moved to suspend the regular order of business and take up **SB 336** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 9.

Yeas: Barrientos, Brown, Carona, Duncan, Ellis, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Patterson, Shapleigh, Truan, West, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Fraser, Nelson, Ogden, Ratliff, Shapiro, Sibley, Wentworth.

Absent: Cain.

Absent-excused: Nixon.

**SB 336** was read second time.

Senator Gallegos offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 336** in Section 1 of the bill (page 2, line 18), by adding to Section 176.003 after the word "174" and before the "." the following: ", nor to a municipality covered by Chapter 143, Subchapter H, Local Government Code"

The committee amendment was read and failed of adoption by the following vote: Yeas 11, Nays 17, Present-not voting 1.

Yeas: Barrientos, Brown, Ellis, Gallegos, Galloway, Lucio, Moncrief, Patterson, Truan, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Carona, Duncan, Fraser, Harris, Haywood, Lindsay, Madla, Nelson, Ogden, Ratliff, Shapiro, Shapleigh, Sibley, Wentworth, West.

Present-not voting: Luna.

Absent: Cain.

Absent-excused: Nixon.

**SB 336** was passed to engrossment by the following vote: Yeas 16, Nays 13.

Yeas: Barrientos, Brown, Ellis, Gallegos, Galloway, Lindsay, Lucio, Luna, Madla, Moncrief, Patterson, Shapleigh, Truan, West, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Carona, Duncan, Fraser, Harris, Haywood, Nelson, Ogden, Ratliff, Shapiro, Sibley, Wentworth.

Absent: Cain.

Absent-excused: Nixon.

**(President in Chair)**

#### **SENATE BILL 1060 ON SECOND READING**

On motion of Senator Patterson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 1060**, Relating to the management of certain funds by the Veterans' Land Board, to the creation of veterans assistance centers, and to the Veterans' Land Board's entering into bond enhancement agreements for certain bonds.

The bill was read second time.

Senator Patterson offered the following committee amendment to the bill:

#### **Committee Amendment No. 1**

Amend **SB 1060** as follows:

(1) On page 1, line 16, insert "With the approval of the state comptroller of public accounts," before "The board".

(2) On page 1, line 16, change "The board" to "the board".

(3) On page 3, line 4, insert "With the approval of the state comptroller of public accounts," before "The board".

(4) On page 3, line 4, change "The board" to "the board".

The committee amendment was read and was adopted by a viva voce vote.

Senator Patterson offered the following committee amendment to the bill:

**Committee Amendment No. 2**

Amend **SB 1060** as follows:

- 1) On page 4, line 9 replace "Veterans assistance center" with "Veterans home"
- 2) On page 4, line 20-21 replace "veterans assistance centers" with "veterans homes"
- 3) On page 5, line 21 replace "veterans assistance centers" with "veterans homes"
- 4) On page 6, line 6 replace "veterans assistance centers" with "veterans homes"
- 5) On page 6, line 10 replace "veterans assistance centers" with "veterans homes"
- 6) On page 6, line 12-13 replace "veterans assistance center" with "veterans home"

The committee amendment was read and was adopted by a viva voce vote.

**SB 1060** as amended was passed to engrossment by a viva voce vote.

**SENATE BILL 1060 ON THIRD READING**

Senator Patterson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1060** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Nixon.

**SB 1060** was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**PERMISSION TO INTRODUCE BILL**

On motion of Senator Truan and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bill: **SB 17**

**MOTION TO ADJOURN**

On motion of Senator Truan and by unanimous consent, the Senate at 2:05 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

\* (Senator Carona in Chair)

**SENATE BILLS ON FIRST READING**

The following bills were introduced, read first time, and referred to the committees indicated:

**SB 15** by Zaffirini

Relating to the maximum tax rate that may be levied by the Live Oak Underground Water Conservation District to pay maintenance and operating expenses.

To Committee on Natural Resources.

**SB 16** by Zaffirini

Relating to the creation, administration, powers, duties, operation, and financing of the Bee Groundwater Conservation District.

To Committee on Natural Resources.

**SB 17** by Fraser

Relating to the powers and duties of county hospital authorities.

To Committee on Intergovernmental Relations.

**SB 18** by Gallegos

Relating to the creation of certain municipal management districts.

To Committee on Intergovernmental Relations.

**HOUSE BILLS FIRST READING**

The following bills received from the House were read first time and referred to the committees indicated:

**HB 239** to Committee on State Affairs.

**HB 278** to Committee on Criminal Justice.

**HB 677** to Committee on Criminal Justice.

**HB 711** to Committee on State Affairs.

**HB 806** to Committee on Criminal Justice.

**HB 880** to Committee on Jurisprudence.

**HB 930** to Committee on International Relations, Trade, and Technology.

**HB 981** to Committee on Criminal Justice.

**HB 984** to Committee on Jurisprudence.

**HB 1217** to Committee on Intergovernmental Relations.

**HB 1463** to Committee on Jurisprudence.

**HB 1473** to Committee on State Affairs.

**HB 1524** to Committee on State Affairs.

**HB 1564** to Committee on Economic Development.

**HB 1860** to Committee on Jurisprudence.

**HB 1955** to Committee on State Affairs.

**HB 2105** to Committee on Economic Development.

**HB 2258** to Committee on Natural Resources.

**MEMORIAL RESOLUTIONS**

**SR 490** - by Luna: In memory of Richard Edward Mundine of San Antonio.

**SR 492** - by Truan: In memory of Dr. J. R. Manning of Kingsville.

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**CONGRATULATORY RESOLUTIONS**

**SR 488** - by Lindsay: Congratulating Klein United Methodist Church of Houston.

**SR 493** - by Whitmire: Congratulating Michael Harry Shively of Harris County.

**HCR 196** - (Galloway): Honoring Dr. Mary Gagne of Beaumont.

**MISCELLANEOUS RESOLUTION**

**SR 491** - by Duncan: Recognizing April 14-19, 1997, as Texas Energy Independence Week.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 2:07 p.m. adjourned, in memory of Olin J. Crow of Austin, until 11:00 a.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Senate:

April 14, 1997

NATURAL RESOURCES — **CSSB 1354, CSSB 1355**

INTERGOVERNMENTAL RELATIONS — **CSSB 1286**

HEALTH AND HUMAN SERVICES — **CSSB 84, CSSB 877, SB 1763 (Amended), SB 1764 (Amended), CSSCR 19, SB 361 (Amended), CSSB 1824, SB 1574 (Amended), SB 29 (Amended), CSSB 1263**

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**SENT TO GOVERNOR**

April 14, 1997

**SB 616, SB 757, SCR 40, SCR 54**

